

A. G. Contract No. KR89-2539-TRD
ECS File: JPA-89-139
Project: Emerald Peak Road
Forest Route 4556
Section: Graham County

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
GRAHAM COUNTY

THIS AGREEMENT is entered into 8 November, 1989,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and
GRAHAM COUNTY, acting by and through the Board of Supervisors.

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 and 28-1895.03 to enter into this agreement and
has by resolution, a copy of which is attached hereto and made
a part hereof, resolved to enter into this agreement and has
delegated to the undersigned the authority to execute this
agreement on behalf of the State.

2. Graham County is empowered by Arizona Revised Statutes
Section 11-251 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of Graham County.

3. Graham County is desirous of obtaining economic and
developmental benefits from revenues of the Economic Strength
Project Fund for construction of approximately 2.1 miles of
Emerald Peak Road (Forest Route 4556) from State Route 366 to
Emerald Peak.

NO. <u>14368</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>11-8-89</u>
<u>Don Shumway</u> Secretary of State
By <u>B. Burmiston</u>

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. State will:

Acting solely as a pass through for funding, transfer \$149,000 of Economic Strength Project funds to Graham County to be used for construction of Emerald Peak Road (Forest Route 4556) from State Route 366 to Emerald Peak.

2. Graham County will:

Advertise for, receive and open bids, award the contract, enter into a contract with a firm to whom the award is made for the construction of the project, and provide personnel to supervise construction, and maintain the roadway upon completion and acceptance.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until the Economic Strength Project funds are transferred to Graham County.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 28-1895.03 and 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17th Avenue, Room 118E
Phoenix, Arizona 85007

Graham County
County Manager
800 Main Street
Safford, Arizona 85546

7. Attached hereto and incorporated herein is a copy of the written determination of Graham County's legal counsel that the Graham County is authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

GRAHAM COUNTY, ARIZONA

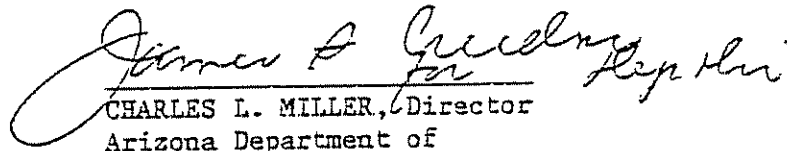
STATE OF ARIZONA
Department of Transportation

By <u>Dilbert Hruschold</u>	<u>Robert P. Mickelson</u>
<u>Chairman, Board of Supervisors</u>	ROBERT P. MICKELSON
Title	Deputy State Engineer

RESOLUTION

BE IT RESOLVED on this 10th day of October 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with Graham County for the purpose of defining responsibilities to transfer Economic Strength Project funds to Graham County.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

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RESOLUTION

T989-22

A RESOLUTION BY THE BOARD OF SUPERVISORS OF THE COUNTY OF GRAHAM REQUESTING STATE ECONOMIC STRENGTH FUNDS FOR CONSTRUCTION OF THE EMERALD PEAK ACCESS ROAD.

WHEREAS, the Graham County Board of Supervisors have determined that it is in the best interest of the County of Graham to enter into an agreement with the State of Arizona, Department of Transportation, for the purpose of transferring economic strength project funds to Graham County, and;

WHEREAS, Graham County intends to use these funds for construction of the Emerald Peak Access Road, Forest Route 4556.

THEREFORE, BE IT RESOLVED THAT, the Graham County Board of Supervisors, by motion of Supervisor Reay and seconded by Supervisor Barney and unanimously approved, hereby authorizes an agreement with the State of Arizona, Department of Transportation.

BE IT FURTHER RESOLVED that the Board of Supervisors authorize the Chairman to sign necessary agreement documents.

Passed and adopted this 16th day of October, 1989.

ATTEST:

Barbara Felix
Barbara Felix, Board Clerk

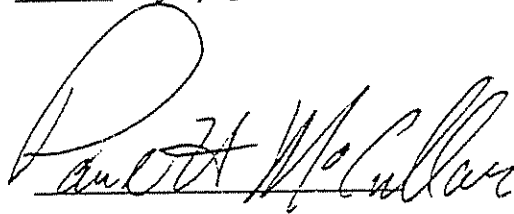
COUNTY OF GRAHAM:

Delbert Householder
DELBERT HOUSEHOLDER
Chairman
Board of Supervisors

APPROVAL OF THE COUNTY ATTORNEY

I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the COUNTY OF GRAHAM and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 16th day of October, 1989.

A handwritten signature in cursive script, appearing to read "Paul H. McCullar", written over a horizontal line.

County Attorney



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT

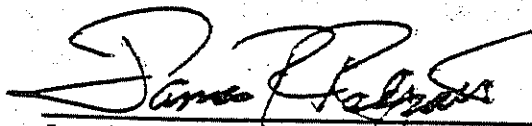
DETERMINATION

A. G. Contract No. MS89-2539-LED is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 6th day of November, 1989.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division